Message. President's

WASHINGTON CITY, DECEMBER 19, 1859.

MESSAGE.

Fillow citizens of the Senate and House of Representatives

Our deep and heart-felt gratitude is due to that Almighty Power which has bestowed upon us such varied and numerous blessings throughout the past year. The general health of the country has been excellent; our harvests have been unusually plentiful, and prosperity past events in our history, that we have enjoyed the pecial protection of Divine Providence ever since our origin as a nation. We have been exposed to many on each successive occasion the impending cloud has guidance and protection !

Whilst it is the duty of the President "from time to time to give to Congress information of the state of the I shall not refer in detail to the recent sad and bloody occurrences at Harper's Ferry. Still, it is observe that these events, however bad and cruel in themselves, derive their chief importance from the apprehension that they are but symptoms of an incurable disease in the public mind, which may break out in still more dangerous out-Tages and terminate at last in an open war by the North to abolish slavery in the South. Whilst, for myself. I entertain no such apprehension, they ought to afford a solemn warning to us all to beware of the approach of danger. Our Union is a stake of such inestimable value as to demand our constant and watchful vigplance for its preservation. In this view, let me implore my countrymen, North and South, to cultivate the ancient feelings of mutual forbearance and good-will towards men other, and strive to allay the demon spirit of sectional hatred and strife now alive in the land. This advice proceeds from the heart of an old public functionary whose service commenced in the last generation, among the wise and conservative statesmen of that day, now nearly all passed away, and whose first and dearest earthly wish is to leave his country tranquil, prosperous, united

We ought to reflect that in this age, and especially in Questions which in their day assumed a the fate of the present sectional excitement, should those rived. ought never to be forgotten that, however great may period. have been the political advantages resulting from the larger to the personal safety of the people of fifteen mem- | done under it a mere usurpation. ers of the confederacy. If the peace of the domestic and reflect upon the possible peril to their cherished in gress. titutions, will be the means, under Providence, of allay ing the existing excitement and preventing future out-Constitution and the Union shall not be endangered by rash counsels, knowing that, should "the silver cord be loosed or the golden bowl be broken o at the founhuman power could never reunite the scattered and

tion of slavery in the Territories, which had presented any authority to annul or impair this vested right. The able consequences. supreme judicial tribunal of the country, which is a coless have afforded an adequate remedy. Should they fail and the sacted rights of property held under the Federal Constitution would depend for the time being on the rethe people of the several States.

Thus has the status of a Territory, during the inter- would be converted into mutual distrust and hostility. tactiate period from its first settlement until it shall be- But we are obliged as a Christian and moral nation to quility of the States. Now, emigrants from the North and the South, the East and the West, will is prepared for admission as a State into the Union this of African civilization would thus be ended. decision, one way or the other, will have been a foregone progress and prosperity will not be endangered or retarded by violent political struggles.

Union. After this has been done, to employ the lan- etrate the existing gloom.

both houses of the last Congress. being between three and four hundred. Those engaged and was ratified by the President, by and with the advice

cuted; but not with as much success as their crimes ing. have deserved A number of them are still under prose-

Our history proves that the Fathers of the Republic, in advance of all other nations, condemned the African slave-trade. It was, notwithstanding, deemed expedient by the framers of the Constitution to deprive Congress of the power to prohibit "the migration or importation of suffes throughout the land. Indeed, notwithstanding such persons as any of the States now existing shall think 16th June, but did not arrive in that city until the 27th had "earnestly recommended to his Excellency to take

It will be seen that this restriction on the power Congress was confined to such States only as might think | yond his control, not necessary to detail; but still it is tion, the exercise of the same spirit of forbearance which threatening and alarming difficulties in our progress; but proper to admit the importation of slaves. It did not due to the Chinese authorities at Shanghai to state that is inculcated by you [Mr. Marcy] on the authorities and extend to other States or to the trade carried on abroad. been dissipated at the moment it appeared ready to Accordingly, we find that so early as the 22d March, the delay, and this pledge has been faithfully redeemed. burst upon our head, and the danger to our institutions 1794, Congress passed an act imposing severe penalties has passed away. May we ever be under the divine and punishments upon citizens and residents of the United States who should engage in this trade between forand enforced by the act of 10th May, 1800.

Again: The States themselves had a clear right to them some containing the greatest number of slaves. This gave to Congress the immediate power to act in regard to all such States, because they themselves had rethis manner the importation of African slaves into the to submit it to the Senate. United States was, to a great extent, prohibited some

As the year 1808 approached, Congress determined not to suffer this trade to exist even for a single day after they had the power to abolish it. On the 2d of March, 1807, they passed an act to take effect "from and after the 1st day of January, 1808," prohibiting the importation of African slaves into the United States. This was followed by the state of lowed by subsequent acts of a similar character, to which I need not specially refer. Such were the principles and such the practice of our ancestors more than fifty years ago in regard to the African slave-trade.

It did not occur to the revered patriots who had been this country, there is an incessant flux and reflux of publiclegates to the convention, and afterwards became members of Congress, that in passing these laws they had viomost threatening aspect, have now nearly gone from the lated the Constitution which they had framed with so memory of men. They are "volcanoes burnt out, and much care and deliberation. They supposed that to proon the lava and ashes and squalid scorize of old eruptions | hibit Congress, in express terms, from exercising a specigrow the peaceful olive, the cheering vine, and the sus- fied power before an appointed day, necessarily involved taining corn." Such, in my opinion, will prove to be the right to exercise this power after that day had ar-

who wisely seek to apply the remedy, continue always to If this were not the case, the framers of the Constituonfine their efforts within the pale of the Constitution. tion had expended much labor in vain. Had they im-If this course be pursued, the existing agitation on the agined that Congress would possess no power to probabil abject of domestic slavery, like everything human, will the trade either before or after 1808, they would not have its day and give place to other and less threatening have taken so much care to protect the States against roversies. Public opinion in this country is all-pow the exercise of this power before that period. Nay more, erfel, and when it reaches a dangerous excess upon any they would not have attached such vast importance to question, the good sense of the people will furnish the this provision as to have excluded it from the possibility orrective and bring it back within safe limits. Still, to of future repeal or amendment, to which other portions hasten this auspicious result, at the present crisis, we of the Constitution were exposed. It would, then, have ought to remember that every rational creature must be been wholly unnecessary to engraft on the fifth article of presumed to intend the natural consequences of his own the Constitution, prescribing the mode of its own future cachings. Those who announce abstract dectrines sub- amendment, the proviso, "that no amendment which versive of the Constitution and the Union, must not be may be made prior to the year one thousand eight hunsurprised should their heated partisans advance one step | deed and eight shall in any manner affect? the provision in further, and attempt by violence to carry these doctrines the Constitution securing to the States the right to adinto practical effect. In this view of the subject it mit the importation of African slaves previous to that

According to the adverse construction, the clause itself, Union to every portion of our common country, these on which so much care and discussion had been employwould all prove to be as nothing should the time ever ed by the members of the convention, was an absolute rrive when they cannot be enjoyed without serious nullity from the beginning, and all that has since been

It was well and wise to confar this power on Congres freside throughout these States should ever be invaded - because, had it been left to the States, its efficient exerif the mothers of families within this extensive region cise would have been impossible. In that event any one hould not be able to retire to rest at night without suf- State could have effectually continued the trade not only ring dreadful app chensions of what may be their own for itself but for all the other slave States, though never tenefits which result to them from the Union. Self
State, in accordance with its laws, cannot practically be

State, in accordance with its laws, cannot practically be

The treatise which is the first instinct of nature and that lead Marian and that lead Mari reservation is the first instinct of nature; and there excluded from any other State where slavery exists. ore any state of society in which the sword is all the And even if all the States had separately passed laws protime suspended over the heads of the people, must at last hibiting the importation of slaves, these laws would have become intolerable. But I indulge in no such gloomy failed of effect for want of a naval force to capture the ful means might become necessary to obtain 'just satisforebodings. On the contrary, I firmly believe that the slavers and to guard the coasts. Such a force no State faction' from Paraguay, a strong naval force was concenevents at Harper's Ferry, by causing the people to pause can employ in time of peace without the consent of Con- trated in the waters of the La Plata to await contingen-

These acts of Congress, it is believed, have, with very rare and insignificant exceptions, accomplished their purbreaks of a similar character. They will resolve that the pose. For a period of more than half a century there has been no perceptible addition to the number of our domestic slaves. During this period their advancement in civilization has far surpassed that of any other portion of the African race. The light and the blessings of Christianity have been extended to them, and both their I contially congratulate you upon the final settlement moral and physical condition has been greatly improved. by the Supreme Court of the United States of the ques- Reopen the trade, and it would be difficult to determine whether the effect would be more deleterious on an aspect so truly formidable at the commencement of the interests of the master or on those of the native-born my administration. The right has been established of slave. Of the evils to the master, the one most to be every citizen to take his property of any kind, including dreaded would be the introduction of wild, heathen, and layes, into the common Territories belonging equally to ignorant barbarians among the sober, orderly, and quiet all the States of the Confederacy, and to have it protected slaves, whose ancestors have been on the soil for several there under the Federal Constitution. Neither Congress generations. This might tend to barbarize, demoralize, nor a territorial legislature nor any human power has and exasperate the whole mass, and produce most deplor-

refinate branch of the Government, has sanctioned and still more deplorable. At present he is treated with affirmed these principles of constitutional law, so mani- kindness and humanity. He is well fed, well clothed, festly just in themselves, and so well calculated to pro- and not overworked. His condition is incomparably betmore peace and harmony among the States. It is a ter than that of the coolies which modern nations of high striking proof of the sense of justice which is inherent in civilization have employed as a substitute for African our people, that the property in slaves has never been dis-slaves. Both the philanthropy and the self-interest of turbed, to my knowledge, in any of the Territories. Even the master have combined to produce this humane result. throughout the late troubles in Kansas there has not But let this trade be reopened, and what will be the een any attempt, as Iam credibly informed, to interfere, effect! The same, to a considerable extent, as on a neighin a single instance, with the right of the master. Had boring island—the only spot now on earth where the Afany such attempt been made, the judiciary would doubt-rican slave-trade is openly tolerated; and this in defiance of solemn treaties with a power abundantly able at any to do this hereafter, it will then be time enough to moment to enforce their execution. There the master, strengthen their hands by further legislation. Had it been intent upon present gain, extorts from the slave as much decided that either Congress or the territorial legislature labor as his physical powers are capable of enduringpossess the power to annul or impair the right to property knowing that, when death comes to his relief, his place a slaves, the evil would be intolerable. In the latter can be supplied at a price reduced to the lowest point by In common with two of my predecessors, I entertain no event, there would be a struggle for a majority of the the competition of rival African slave-traders. Should members of the legislature at each successive election, this ever be the case in our country-which I do not deem possible—the present useful character of the domestic institution, wherein those too old and too young to work The agitation would thus be rendered incessant are provided for with care and humanity, and those capawhilst the territorial condition remained, and its baneful ble of labor are not overtasked, would undergo an unforinducence would keep alive a dangerous excitement among tunate change. The feeling of reciprocal dependence and by fair purchase. My opinions on that measure remain attachment which now exists between master and slave

come a State, been irrevocably fixed by the final decision consider what would be the effect upon unhappy Africa of the Supreme Court. Fortunate has this been for the itself if we should reopen the slave-trade. This would prospect of success. prosperity of the Territories, as well as the tran- give the trade an impulse and extension which it has never had even in its palmiest days. The numerous vic- that I should be able to announce to you on the present tims required to supply it would convert the whole slave meet in the Territories on a common platform, coast into a perfect Pandemonium, for which this country baring brought with them that species of property best would be held responsible in the eyes both of God and adapted, in their own opinion, to promote their welfare. man. Its petty tribes would then be constantly engaged From natural causes the slavery question will in each in predatory wars against each other for the purpose of -ase soon virtually settle itself; and before the Territory seizing slaves to supply the American market. All hopes

On the other hand, when a market for African slaves conclusion. Meanwhile the settlement of the new Terrishall no longer be furnished in Cuba, and thus all the tory will proceed without serious interruption, and its world be closed against this trade, we may then indulge a reasonable hope for the gradual improvement of Africa. The chief motive of war among the tribes will cease When in the progress of events the inhabitants of any whenever there is no longer any demand for slaves. The Petritory shall have reached the number required to form resources of that fertile but miserable country might then a State they will then proceed, in a regular manner, and be developed by the hand of industry and afford subjects Juan, under the Oregon treaty of the 15th of June, the exercise of the rights of popular sovereignty, to for legitimate foreign and domestic commerce. In this 1846, suddenly assumed a threatening prominence. In the contending parties. In consequence of his report, occupation of the constitutional government. The most form a constitution preparatory to admission into the manner Christianity and civilization may gradually pen-

500 of the Kansas and Nebraska act, they "shall be The wisdom of the course pursued by this Government the wisdom of the course parsacu by this dovernment towards China has been vindicated by the event. Whilst minister at Washington, communicating to him a copy constitution may prescribe at the time of their admis- we sustained a neutral position in the war waged by Great nd principle has happily been recognised, Britain and France against the Chinese empire, our late a some form or other, by an almost unanimous vote of minister, in obedience to his instructions, judiciously cooperated with the ministers of these powers in all peaceful between our citizens and the British subjects on the and shall continue to be employed, to execute the laws ed by the interests of foreign commerce. The result is instructed "that the officers of the Territory should abas dust the African slave-trade. After a most careful that satisfactory treaties have been concluded with China and rigorous examination of our coasts and a thorough by the respective ministers of the United States, Great hivestigation of the subject, we have not been able to Britain, France, and Russia. Our "treaty, or general enver that any slaves have been imported into the convention of peace, amity, and commerce," with that United States except the cargo by the Wanderer, num- empire was concluded at Tientsin on the 18th June, 1858,

in this unlawful enterprise have been rigorously prose | and consent of the Senate, on the 21st December follow- | plete and exclusive sovereign rights within the fairly- | ever since manifested the most friendly disposition to- | who sympathize with the sufferings of our unfortunate

On the 15th December, 1858, John E. Ward, a distinguished citizen of Georgia, was duly commissioned as envoy extraordinary and minister plenipotentiary to China. He left the United States for the place of his destination on the 5th of February, 1859, bearing with him the rati- Marcy's instructions to that officer," and stating that he fied copy of this treaty, and arrived at Shanghai on the had clost no time in transmitting a copy of that document 28th May. From thence he proceeded to Peking on the to the governor-general of British North America," and our detherits, we have much reas in to believe from the proper to admit" "prior to the year one thousand eight July. According to the terms of the treaty the ratifications were to be exchanged on or before the 18th June, 1859. secure, on the part of the British local authorities and This was rendered impossible by reasons and events bethey always assured him no advantage should be taken of citizens of the United States."

On the arrival of Mr. Ward at Peking he requested an audience of the Emperor to present his letter of credence. This he did not obtain, in consequence of his very proper eign nations. The provisions of this act were extended refusal to submit to the humiliating ceremonies required by the etiquette of this strange people in approaching their sovereign. Nevertheless the interviews on this waive the constitutional privilege intended for their ben-efit, and to prohibit, by their own laws, this trade at any with all due regard to his personal feelings and the honor with all due regard to his personal feelings and the honor time they thought proper previous to 1808. Several of of his country. When a presentation to his Majesty was them exercised this right before that period, and among found to be impossible, the letter of credence from the President was received with peculiar honors by Kweiliang, "the Emperor's prime minister and the second man in the empire to the Emperor himself." The ratifications moved the constitutional barrier. Congress accordingly of the treaty were afterwards, on the 16th of August, ex- mitted. The American seized his rifle and told Mr. Dalpassed an act on 28th February, 1803, "to prevent the changed in proper form at Pei-tsang. As the exchange les if any such attempt was made he would kill him on importation of certain persons into certain States where, did not take place until after the day prescribed by the by the laws thereof, their admission is prohibited." In treaty, it is deemed proper, before its publication, again

It is but simple justice to the Chinese authorities to observe, that, throughout the whole transaction, they appear to have acted in good faith and in a friendly spirit towards the United States. It is true this has been done after their own peculiar fashion; but we ought to regard with a lenient eye the ancient customs of an empire da- to this petition, and ordered Captain George E. Pickett, sistent with our own national honor. The conduct of our minister on the occasion has received my entire appro-

In order to carry out the spirit of this treaty, and to give it full effect, it became necessary to conclude two supplemental conventions-the one for the adjustment and satisfaction of the claims of our citizens, and the other to fix the tariff on imports and exports, and to regulate the transit duties and trade of our merchants with China. This duty was satisfactorily performed by our late minister. These conventions bear date at Shanghai on the 8th November 1858. Having been considered in the light of binding agreements subsidiary to the principal freaty, and to be carried into execution without delay, they do not provide for any formal ratification or exchange of ratifications by the contracting parties. This was not deemed necessary by the Chinese, who are already proceeding in good faith to satisfy the claims of our citizens, and, it is hoped, to carry out the other provisions of the conventions. Still I thought it was proper to submit them to the Senate, by which they were ratified on the 3d March, 1859. The ratified copies, however, did not reach Shanghai until after the departure of our minister to Peking, and these conventions could not, therefore, be exchanged at the same time with the principal treaty. No doubt is entertained that they will be ratified and exchanged by the Chinese government, should this be thought advisable; but, under the circumstances presented, I shall consider them binding engagements from their date on both parties, and cause them to be published as such for the information and guidance of our merchants trading with the Chinese empire.

It affords me much satisfaction to inform you that all our difficulties with the republic of Paraguay have been satisfactorily adjusted. It happily did not become necessary to employ the force for this purpose which Congress had placed at my command, under their joint resolution of 2d June, 1858. On the contrary, the President of that republic, in a friendly spirit, acceded promptly to the just and reasonable demands of the Government of the United States. Our commissioner arrived at Assumption, the the British and American authorities pending the negotia-January, 1859, and immediately submitted to the Senate.

In the view that the employment of other than peacecies, whilst our commissioner ascended the rivers to As sumption. The Navy Department is entitled to great credit for the promptness, efficiency, and economy with which this expedition was fitted out and conducted. It consisted of nineteen armed vessels, great and small, carrying 200 guns and 2,500 men, all under the command of the veteran and gallant Shubrick. The entire expenses of the expedition have been defrayed out of the ordi nary appropriations for the naval service, except the sum of \$289,000, applied to the purchase of seven of the steamers, constituting a part of it, under the authority of the naval appropriation act of the 3d March last. It is believed that these steamers are worth more than their cost, and they are all now usefully and actively employed in the naval service.

The appearance of so large a force, fitted out in such a prompt manner, in the far distant waters of the La Piata, and the admirable conduct of the officers and men employed in it, have had a happy effect in favor of our country throughout all that remote portion of the world. Our relations with the great empires of France and Russia, as well as with all other governments on the con-

tinent of Europe, unless we may except that of Spain, happily continue to be of the most friendly character. In my last annual message I presented a statement of the unsatisfactory condition of our relations with Spain

and I regret to say that this has not materially improved Without special reference to other claims, even the "Cuban claims," the payment of which has been ably urged by our ministers, and in which more than a hundred of our citizens are directly interested, remain unsatisfied notwithstanding both their justice and their amount (\$128,635-54) had been recognised and ascertained by the Spanish government itself. I again recommend that an appropriation be made "to

be paid to the Spanish government for the purpose of distribution among the claimants in the Amistad case. doubt that this is required by our treaty with Spain of the 27th October, 1795. The failure to discharge this obligation has been employed by the cabinet of Madrid as a reason against the settlement of our claims.

I need not repeat the arguments which I urged in my last annual message in favor of the acquisition of Cuba unchanged. I, therefore, again invite the serious attenrecognition of this policy on their part, it will be almost mon, having become, by his appointment, "President by virtue of our neighborhood to Mexico, along whose tion of Congress to this important subject. Without a impossible to institute negotiations with any reasonable

Until a recent period there was good reason to believe occasion that our difficulties with Great Britain, arising out of the Clayton and Bulwer treaty, had been finally adjusted in a manner alike honorable and satisfactory to both parties. From causes, however, which the British government had not anticipated, they have not yet completed treaty arrangements with the republics of Honduras and Nicaragua, in pursuance of the understanding between the two governments. It is, nevertheless, confidently expected that this good work will ere long be accomplished.

Whilst indulging the hope that no other subject remained which could disturb the good understanding between the two countries, the question arising out of the adverse claims of the parties to the Island of San frontier, the late Secretary of State, on the 17th July, 1855, addressed a note to Mr. Crampton, then British of the instructions which he [Mr. Marcy] had given, on the 14th July, to Gov. Stevens, of Washington Territory, having a special reference to an "apprehended conflict Island of San Juan." To prevent this, the governor was stain from all acts on the disputed grounds which are calculated to provoke any conflicts, so far as it can be On the 7th of April following. Mr. McLane presented his done without implying the concession to the authorities credentials to President Juarez, having no hesitation "in of Great Britain of an exclusive right over the premises. pronouncing the government of Juarez to be the only ex-The title ought to be settled before either party should sting government of the Republic. He was cordially

disputed limits."

In acknowledging the receipt on the next day of Mr Marcy's note, the I-itish minister expressed his entire concurrence "in the propriety of the course recommended to the governor of Washington Territory by your [Mr. secure, on the part of the British local authorities and the inhabitants of the neighborhood of the line in ques-

Thus matters remained upon the faith of this arrangement until the 9th July last, when Gen. Harney paid a visit to the Island. He found upon it twenty-five American residents with their families, and also an establishment of the Hudson's Bay Company for the purpose of raising sheep. A short time before his arrival one of these residents had shot an animal belonging to the company, whilst trespassing upon his premises, for which, however, he offered to pay twice its value; but that was refused. Soon after "the chief factor of the company at Victoria, Mr. Dalles, son-in-law of Governor Douglas, came to the Island in the British sloop-of-war Satellite, and threatened to take "this American (Mr. Cutler) by force to Victoria, to answer for the trespass he had comthe spot. The affair then ended." Under these circumstances, the American settlers pre-

sented a petition to the General, "through the United States inspector of customs, Mr. Hubbs, to place a force upon the island to protect them from the Indians as well as the oppressive interference of the authorities of the Hudson Bay Company at Victoria with their rights as American citizens." The General immediately responded 9th infantry, "to establish his company on Bellevue, or San Juan island, on some suitable position near the harbor at the southeastern extremity." This order was promptly obeyed, and a military post was established at the place designated. The force was afterwards increased, so that by the last return the whole number of troops then on the island amounted in the aggregate to 691 men. Whilst I do not deem it proper on the present occasion to go further into the subject, and discuss the weight which ought to be attached to the statements of the British colonial authorities, contesting the accuracy of the information on which the gallant General acted, it was due to him that I should thus present his own reasons for issuing the order to Captain Pickett. From these it is quite clear his object was to prevent the British authorities on Vancouver's island from exercising jurisdiction over American residents on the Island of San Juan, as well as to

protect them against the incursions of the Indians. Much excitement prevailed for some time throughout that region, and serious danger of collision between the parties was apprehended. The British had a large naval force in the vicinity; and it is but an act of simple justice to the admiral on that station to state that he wisely and discreetly forbore to commit any hostile act, but determined to refer the whole affair to his government and

await their instructions. This aspect of the matter, in my opinion, demanded serious attention. It would have been a great calamity for both nations had they been precipitated into acts of hostility not on the question of title to the island, but merely concerning what should be its condition during the intervening period whilst the two governments might be employed in settling the question to which of them it belongs. For this reason Lieutenant General Scott was despatched on the 17th September last to Washington Territory to take immediate command of the United States forces on the Pacific coast should be deem this necessary. The main object of his mission was to carry out the spirit of the precentionary arrangement between the late Secretary of State and the British minister, and thus to preserve the peace and prevent collision between tions between the two governments. Entertaining no jects, it being understood that Captain Pickett's company should remain on the island. It is proper to observe that, considering the distance from the scene of action, and in ignorance of what might have transpired on the spot beore the Ceneral's arrival, it was necessary to leave much to his discretion, and I am happy to state the event has proven that this discretion could not have been intrusted o more competent hands. General Scott has recently returned from his mission, having successfully accomplished its objects, and there is no longer any good reason countries during the pendency of the existing nego-

I regret to inform you that there has been no improvement in the affairs of Mexico since my last annual message, and I am again obliged to ask the earnest attention of Congress to the unhappy condition of that republic.

The constituent Congress of Mexico, which adjourned on the 17th of February, 1857, adopted a constitution and provided for a popular election. This took place in the following July, [1857,] and General Comonfort was chosen President, almost without opposition. At the same election a new Congress was chosen, whose first ession commenced on the 16th of September, [1857.] By the constitution of 1857 the presidential term was to begin on the 1st of December, [1857,] and continue for four years. On that day General Comonfort appeared before the assembled Congress in the city of Mexico, took the oath to support the new constitution, and was duly inaugurated as President. Within a month afterwards he had been driven from the capital, and a military rebellion had assigned the supreme power of the republic to General Zuloaga. The constitution provided that in the absence of the President his office should devolve upon the Chief Justice of the Supreme Court, and, Gen. Comonfort having left the country, this functionary, General Juarez, proceeded to form, at Guanajuato, a constitutional government. Before this was officially known, however, at the capital, the government of Zuloaga had been recognised by the entire diplomatic corps, facto government of Mexico. The constitutional President, nevertheless, maintained his position with firmness, and was soon established with his cabinet at Vera Cruz. Meanwhile, the government of Zuloaga was earnestly resisted in many parts of the republic, and even in the capital, a portion of the army having pronounced against it, its functions were declared terminated, and an assembly of citizens was invited for the choice of a new President. This assembly elected General Miramon, but that officer repudiated the plan under which he was chosen, and Zuoaga was thus restored to his previous position. He assamed it, however, only to withdraw from it, and Mira-Substitute," continues, with that title, at the head of the insurgent party. In my last annual message I communicated to Con-

the United States suspended his official relations with the central government, and withdrew from the country. It government, like that at the capital, under whose usurped authority wrongs were constantly committed, but never with its power extending, by the consent of the people, over the whole of Mexico, a resort to hostilities against it But the country was a prey to civil war; and it was might lead to a condition of things less injurious to the United States. This success became so probable that, in January last, I employed a reliable agent to visit Mexico, sources, favorable to the prospects of the constitutional cause. I felt justified in appointing a new minister to Mexico, who might embrace the earliest suitable opportunity of restoring our diplomatic relations with that reyland was selected, who proceeded on his mission on the 8th of March last, with discretionary authority to recognise the government of President Juarez, if on his arrival in

stitutional government has not been able to establish its | tion of that republic. Such an accession to the power over the whole republic. It is supported by a large majority of the people and the States, but there are imdience. General Miramon maintains himself at the capital; and in some of the distant provinces there are military governors who pay little respect to the decrees of either government. In the mean time the excesses which always attend upon civil war, especially in Mexico, are constantly recurring. Outrages of the worst description are committed both upon persons and property. There is scarcely any form of injury which has not been suf-fered by our citizens in Mexico during the last few We have been nominally at peace with that republic, but "so far as the interests of our commerce or of our citizens who have visited the country as merchants. shipmasters, or in other capacities, are concerned, we might as well have been at war." Life has been insecure, property unprotected, and trade impossible except at a risk of loss which prudent men cannot be expected | tain a settled government --- we have a far deeper interest, to incur. Important contracts, involving large expenditures, entered into by the central government, have been set at defiance by the local governments. Peaceful American She is impelled by different factions. As a good neighbor. ican residents, occupying their rightful possessions, have been suddenly expelled the country, in defiance of trea- If we do not, it would not be surprising should some ties, and by the mere force of arbitrary power. Even the course of justice has not been safe from control, and a | terfere at last, under circumstances of increased difficulty recent decree of Miramon permits the intervention of government in all suits where either party is a foreigner. Vessels of the United States have been seized without Vessels of the United States have been seized without annual message that authority may be given to law, and a consular officer who protested against such the President to establish one or more temporary scizure has been fined and imprisoned for disrespect to the authorities. Military contributions have been levied in violation of every principle of right, and the American | protect the lives and property of American and Mexiwho resisted the lawless demand has had his property forcibly taken away, and has been himself banished. From a conflict of authority in different parts of the country, tariff duties which have been paid in one place have been exacted over again in another place. Large numbers of our citizens have been arrested and imprisoned without any form of examination or any apportunity for a hearing, and even when released have only obtained their liberty after much suffering and injury and without any hope of redress. The wholesale massacre of Crabbe and his associates without trial in Sonora, as well as the | than ten thousand souls, are practically destitute of govseizure and murder of four sick Americans who had taken shelter in the house of an American, upon the soil of the United States, was communicated to Congress at its last | with impunity. I, therefore, again call the attention of session. Murders of a still more atrocious character have | Congress to the necessity for establishing a territorial been committed in the very heart of Mexico, under the authority of Miramon's government, during the present year. Some of these were only worthy of a barbarous age, and, if they had not been clearly proven, would have stemed impossible in a country which claims to be civilized. Of this description was the brutal massacre in April last, by order of Gen. Marquez, of three American physicians, who were selzed in the hospital at Tacubaya while attending upon the sick and the dying of both parties, and without trial, as without crime, were hurried away to speedy execution. Little less shocking was the recent fate of Ormond Chase, who was shot in Teple on the 7th of August by order of the same Mexican general, not only without a trial, but without any conjecture by his friends of the cause of his arrest. He is represented as a young man of good character and intelligence, who had made numerous friends in Tepic by the courage and sions, and his death was as unexpected as it was snocking to the whole community. Other outrages might be enumerated, but these are sufficient to illustrate the wretched state of the country and the unprotected condi-

tion of the persons and property of our citizens in Mexico. In all these cases our ministers have been constant and faithful in their demands for redress, but both they and this Government, which they have successively represented, have been wholly powerless to make their demands effective. Their testimony in this respect, and in refermeet the exigency, has been both uniform and emphatic. "I hope the President" (wrote our present for the naval service. minister in August last) "will feel authorized to ask from Congress the power to enter Mexico with the military forces of the United States, at the call of the constitutional authorities, in order to protect the citizens and the treaty rights of the United States. Unless such a power is conferred upon him neither the one nor the other will be respected in the existing state of anarchy and disorder, and the outrages already perpetrated will never be chastised; and, to apprehend a collision between the forces of the two as I assured you in my No. 23, all these evils must increase until every vestige of order and government disappears from the country." I have been reluctantly led them. I feel bound to announce this conclusion to Con-

gress. The case presented, however, is not merely a case of individual claims, although our just claims against Mexico have reached a very large amount. Nor is it merely the case of protection to the lives and property of the few Americans who may still remain in Mexico, although the least, the whole subject of our duty to Mexico as a neighboring State. The exercise of the power of the United States in that country to redress the wrongs and protect the rights of our own citizens is none the less to be desired, because efficient and necessary aid may thus be renitself. In the accomplishment of this result the people of the United States must necessarily feel a deep and earnest interest. Mexico ought to be a rich and prosperous and powerful republic. She possesses an extensive territory, a fertile soil, and an incalculable store of mineral wealth. She occupies an important position between the Gulf and the ocean for transit routes and for commerce. Is it possible that such a country as this can be given up to anincluding the minister of the United States, as the de archy and ruin without an effort from any quarter for its rescue and its safety? Will the commercial nations of the world, which have so many interests connected with United States, especially, which ought to share most largely in its commercial intercourse, allow their immediate neighbor thus to destroy itself and injure them? Yet, without support from some quarter, it is impossible to perceive how Mexico can resume her position among nations and enter upon a career which promises any good results. The aid which she requires, and which the interests of all commercial countries require that she should have, it belongs to this Government to render, not only territory we have a continuous frontier of nearly a thousand miles, but by virtue, also, of our established policy, which is inconsistent with the intervention of any Eurogress the circumstances under which the late Minister of pean Power in the domestic concerns of that republic. The wrongs which we have suffered from Mexico are

before the world, and must deeply impress every Ameriwas impossible to maintain friendly intercourse with a can citizen. A government which is either unable or unwilling to redress such wrongs is derelict to its highest The difficulty consists in selecting and enforcing redressed. Had this been an established government, the remedy. We may in vain apply to the constitutional government at Vera Cruz, although it is well disposed to do us justice, for adequate redress. Whilst its authority would have been quite justifiable, and indeed necessary. is acknowledged in all the important ports and throughout the sea coasts of the republic, its power does not hoped that the success of the c astitutional President extend to the city of Mexico and the States in its vicinity, where nearly all the recent outrages have been committed on American citizens. We must penetrate into vessels in a foreign port? To deny this power is to renthe interior before we can reach the offenders, and this der the navy in a great degree useless for the protection and report to me the actual condition and prospects of can only be done by passing through the territory in the of the lives and property of American citizens in counobject will be to act in concert with that government. Their consent and their aid might, I believe, be obtained; but if not, our obligation to protect our own citizens in their just rights, secured by treaty, would not be public. For this purpose a distinguished citizen of Ma- the less imperative. For these reasons, I recommend to Congress to pass a law authorizing the President, under such conditions as they may deem expedient, to employ a sufficient military force to enter Mexico for the purpose | this is the first instance since the origin of the Federal of obtaining indemnity for the past and security for the Government, now more than seventy years ago, when future. I purposely refrain from any suggestion as to any Congress went out of existence without having passwhether this force shall consist of regular troops or ed all the general appropriation bills necessary to carry volunteers, or both. This question may be most appropriately left to the decision of Congress. I would merely observe that, should volunteers be selected, such tive a grave responsibility. It presented a choice of evils. attempt to exclude the other by force, or exercise com- received by the authorities at Vera Cruz, and they have a force could be easily raised in this country among those

wards the United States. Unhappily, however, the con- fellow-citizens in Mexico, and with the unhappy condithe constitutional government would enable it soon to reach the city of Mexico and extend its power over the portant parts of the country where it can enforce no obe- whole republic. In that event there is no reason to doubt that the just claims of our citizens would be satis fied and adequate redress obtained for the injuries inflict ed upon them. The constitutional government have ever evinced a strong desire to do us justice, and this might be secured in advance by a preliminary treaty.

It may be said that these measures will, at least indirectly, be inconsistent with our wise and settled policy not to interfere in the domestic concerns of foreign tions. But does not the present case fairly constitute an exception? An adjoining republic is in a state of anarchy and confusion from which she has proved wholly unable to extricate herself. She is entirely destitute of the power to maintain peace upon her borders, or to prevent the incursions of banditti into our territory. In her fate and in her fortune-in her power to establish and mainsocially, commercially, and politically than any other na bor, shall we not extend to her a helping hand to save her other nation undertake the task, and thus force us to in for the maintenance of our established policy.

I repeat the recommendation contained is my last military posts across the Mexican line in Sonora and Chihuahua, where these may be necessary to can citizens against the incursions and depredations of the Indians, as well as of lawless rovers on that remote region. The establishment of one such post at a point called Arispe, in Sonora, in a country now almost depopulated by the hostile inroads of the Indians from our side of the line, would, it is believed, have prevented much injury and many cruelties during the past season A state of lawlessness and violence prevails on that distant frontier. Life and property are there wholly insecure. The population of Arizona, now numbering more ernment, of laws, or of any regular administration of justice. Murder, rapine, and other crimes are committed government over Arizona.

The treaty with Nicaragua of the 16th February, 1857, to which I referred in my last annual message, failed to receive the ratification of the government of that repub lic, for reasons which I need not enumerate. A similar treaty has been since concluded between the parties bear ing date on the 16th March, 1859, which has already been ratified by the Nicaraguan Congress. This will be imme diately submitted to the Senate for their ratification. Its provisions cannot, I think, fail to be acceptable to the people of both countries.

Our claims against the governments of Costa Rica and Nicaragua remain unredressed, though they are pressed in an earnest manner, and not without hope of success. I deem it to be my duty once more carnestly to recom mend to Congress the passage of a law authorizing the President to employ the naval force at his command for humanity which he had displayed on several trying occa- | the purpose of protecting the lives and property of American citizens passing in transit across the Panama, Nica ragua, and Tehuantepec routes, against sudden and lawless outbreaks and depredations. I shall not repeat the arguments employed in former messages in support of this measure. Suffice it to say that the lives of many of our people, and the security of vast amounts of treasure passing and repassing over one or more of these neutra between the Atlantic and Pacific, may be deeply involved

in the action of Congress on this subject. I would, also, again recommend to Congress that air ence to the only remedy which, in their palgment, would thority be given to the President to employ the naval force to protect American merchant vessels, their crews Nothing but a manifestation of the power of the Gov- and cargoes, against violent and lawless seizure and congrament of the United States (wrote our late minister in | fiscation in the ports of Mexico and the Spanish American 1856) and of its purpose to punish these wrongs will avail. States when these countries may be in a disturbed and I assure you that the universal belief here is that there is | revolutionary condition. The mere knowledge that such

The chief objection urged against the grant of this authority is, that Congress, by conferring it, would violate the constitution-that it would be a transfer of the warmaking, or, strictly speaking, the war-declaring power to the Executive. If this were well founded, it would, of course, be conclusive. A very brief examination, however will place this objection at rest.

Congress possess the sole and exclusive power, under the constitution, "to declare war," They alone can "raise and support armies," and "provide and maintain But after Congress shall have declared war. to the same opinion, and, in justice to my countrymen who and provided the force necessary to carry it on, the Preshave suffered wrongs from Mexico, and who may still suffer | ident, as Commander-in-Chief of the Army and Navy, can alone employ this force in making war against the enemy This is the plain language, and history proves that it was the well-known intention of the framers of the Constitu

clare war" is without limitation, and embraces within itself not only what writers on the law of nations term a publife and property of every American citizen ought to be lic or perfect war, but also an imperfect war- and, in sacredly protected in every quarter of the world. But it short, every species of hostility, however confined or is a question which relates to the future as well as to the limited. Without the authority of Congress the Presipresent and the past, and which involves, indirectly at | dent cannot fire a hostile gun in any case, except to repel the attacks of an enemy. It will not be doubted that under this power Congress could, if they thought proper, authorize the President to employ the force at his command to seize a vessel belonging to an American citizen which had been illegally and unjustly captured in dered at the same time to restore peace and order to Mexico | a foreign port and restore it to its owner. But can Congress only act after the fact-after the mischief has been done? Have they no power to confer upon the President the authority in advance to furnish instant redress should such a case afterwards occur? Must they wait until the mischief has been done, and can they apply the remedy only when it is too late? To confer this authority to meet future cases under circumstances strictly specified, is as clearly within the war-declaring power as such an authority conferred upon the President by act of Congress after the deed had been done. In the progress of a great nation many exigencies must arise imperatively requiring it, remain wholly indifferent to such a result? Can the that Congress should authorize the President to act promptly on certain conditions which may or may not afterwards arise. Our history has already presented a

number of such cases. I shall refer only to the latest. Under the resolution of June 2d, 1858, "for the adjustment of difficulties with the republic of Para goay," the President is "authorized to adopt such measures and use such force as in his judgment may be necessary and advisable in the event of a refusal of just satisfaction by the government of Paraguay." satisfaction" for what? For "the attack on the United States steamer Water Witch," and "other matters refer red to in the annual message of the President." Here the power is expressly granted upon the condition that the government of Pacaguay shall refuse to render this "just satisfaction." In this and other similar cases Congress have conferred upon the President power in ad vance to employ the army and navy upon the happening of contingent future events; and this most certainly is embraced within the power to declare war.

Now, if this conditional and contingent power could be constitutionally conferred upon the President in the case of Paraguay, why may it not be conferred for the purpose of protecting the lives and property of American citizens in the event that they may be violently and unlawfully attacked in passing over the transit routes to and from California, or assailed by the seizure of their tries where neither protection nor redress can be other

The Thirty-fifth Congress terminated on the 3d of March, 1859, without having passed the "act making appropriations for the service of the Post Office Department during the first year ending the 30th June, 1860. This act also contained an appropriation "to supply deficiencies in the revenue of the Post Office Department for the year ending the 30th of June, 1859." I believe on the government until the regular period for the meeting of a new Congress. This event imposed on the Execu-

Had this orgission of duty occurred at the first session